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BOX 500

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 00-713-i9)

PATENT

In the Application of:

Mirkin et al.)
Serial No. 09/973,638)
Filed: October 10, 2001)
For: Nanoparticles Having Oligonucleotides)
Attached Thereto and Uses Therefor)
Examiner: J. Riley
Group Art Unit: 1656
Confirmation No.: 7336

U.S. Patent and Trademark Office
Box Sequence, P.O. Box 2327
Arlington, VA 22202

Sir:

TRANSMITTAL LETTER

In regard to the above identified application:

1. We are transmitting herewith the attached
 - a. Response to Notice to Comply dated February 22, 2002
 - b. Copy of the Notice to Comply
 - c. Substitute Sequence Listing (paper copy and computer readable form on 3.5" diskette)
 - d. Return Receipt Postcard
2. With respect to additional fees:

A. No additional fee is required.
 B. Attached is a check in the amount of \$_____.
3. General Authorization: Please charge any additional fees or credit overpayment to Deposit Account No. 13-2490. A duplicate copy of this sheet is enclosed.
4. CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1 hereinabove, are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: U.S. Patent and Trademark Office, Box Sequence, P.O. Box 2327, Arlington, VA 22202 on this 8 day of March, 2002.

Date: March 8, 2002

By _____


Emily Miao
Reg. No. 35,285

OIPC
MAR 12 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
 UNITED STATES PATENT AND TRADEMARK OFFICE
 WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/973,638	10/10/2001	Chad A. Mirkin	00-713-i9

CONFIRMATION NO. 7336
FORMALITIES LETTER



OC00000007519372

Emily Miao
 McDonnell Boehnen Hulbert & Berghoff
 32nd Floor
 300 S. Wacker Drive
 Chicago, IL 60606

Date Mailed: 02/22/2002

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS
 CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE
 DISCLOSURES**

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d). Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

*A copy of this notice **MUST** be returned with the reply.*


 Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 00-713-i9)

In the Application of:

Mirkin *et al.*)
Serial No. 09/973,638)
Filed: October 10, 2001)
For: Nanoparticles Having Oligonucleotides)
Attached Thereto and Uses Therefor)
Examiner: J. Riley
Group Art Unit: 1656
Confirmation No.: 7336

RESPONSE TO NOTICE TO COMPLY

U.S. Patent and Trademark Office
Box Sequence, P.O. Box 2327
Arlington, VA 22202

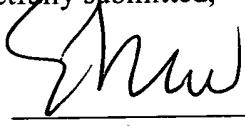
Sir:

This is in response to the Notice to Comply mailed February 22, 2002. Attached is a paper copy of a substitute Sequence Listing and 3.5" diskette containing a computer readable copy of the Sequence Listing in accordance with 37 C.F.R. § 1.821(e). As requested by the Notice, Sections <220> - <223> have been inserted into SEQ ID NO. 57. In accordance with 37 C.F.R. §§ 1.821-1.825, the computer readable copy is identical to the paper copy filed with the disclosure of the application and the attached Sequence Listing. No new matter has been added to the application as a result of this submission.

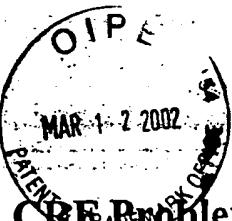
Prompt consideration and entry of this response is respectfully requested.

Respectfully submitted,

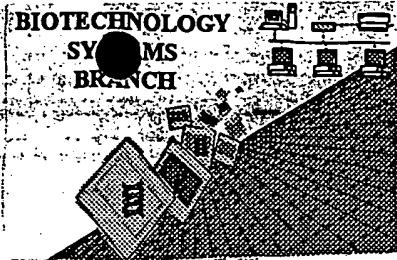
By:


Emily Miao
Reg. No. 35,285

Date: March 8, 2002



OIPC



CRF Problem Report

The Scientific and Technical Information Center (STIC) experienced a problem when processing the following computer readable form (CRF):

Application Serial Number: 09/973,638
Filing Date: 10/10/2001
Date Processed by STIC: 2/11/2002

STIC Contact: Mark Spencer, 703-308-4212

Nature of Problem:

The CRF (was):

- (circle one) Damaged or Unreadable (for Unreadable, see attached)
 Blank (no files on CRF) (see attached)
 Empty file (filename present, but no bytes in file) (see attached)
 Virus-infected. Virus name: _____ The STIC will not process the CRF.
 Not saved in ASCII text
 Sequence Listing was embedded in the file. According to Sequence Rules,
submitted file should only be the Sequence Listing.
 Did not contain a Sequence Listing. (see attached sample)
 Other:

PLEASE USE THE CHECKER VERSION 3.1 PROGRAM TO REDUCE ERRORS.

SEE BELOW FOR ADDRESS:

<http://www.uspto.gov/web/offices/pac/checker>

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail.

Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom.

Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

1. EFS-Bio (<<http://www.uspto.gov/ebc/efs/downloads/documents.htm>>), EFS Submission User Manual - ePAVE)
2. U.S. Postal Service: U.S. Patent and Trademark Office, Box Sequence, P.O. Box 2327, Arlington, VA 22202
3. Hand Carry directly to:
U.S. Patent and Trademark Office, Technology Center 1600, Reception Area, 7th Floor, Examiner Name,
Sequence Information, Crystal Mall One, 1911 South Clark Street, Arlington, VA 22202
Or
U.S. Patent and Trademark Office, Box Sequence, Customer Window, Lobby, Room 1B03, Crystal Plaza Two,
2011 South Clark Place, Arlington, VA 22202
4. Federal Express, United Parcel Service, or other delivery service to: U.S. Patent and Trademark Office,
Box Sequence, Room 1B03-Mailroom, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202

Revised 01/29/2002

59/973638

A:\>DIR

Read fault error reading drive A.

Abort, Retry, Fail?F

Volume in drive A has no label

Read fault error reading drive A

Abort, Retry, Fail?F

Read fault error reading drive A

Abort, Retry, Fail?

← Onscreen message when STIC PC
tried to read submitted disk

A:\>DIR

Read fault error reading drive A

Abort, Retry, Fail?F

Volume in drive A has no label

←

Read fault error reading drive A

Abort, Retry, Fail?F

Read fault error reading drive A

Abort, Retry, Fail?

A:\>DIR

Read fault error reading drive A

Abort, Retry, Fail?F

Volume in drive A has no label

←